

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0706.01 Shelby Ross x4510

HOUSE BILL 20-1100

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A BILL FOR AN ACT

101 **CONCERNING PASS-THROUGH CHILD SUPPORT PAYMENTS TO FAMILIES**
102 **THAT ARE ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY**
103 **FAMILIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows the department of human services to promulgate rules to make any necessary changes to the relevant human services automated systems to ensure child support payments are not passed through to temporary assistance for needy families recipients if the general assembly appropriates funds insufficient to maintain the program.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 14, 2020

SENATE
2nd Reading Unamended
March 13, 2020

HOUSE
3rd Reading Unamended
February 20, 2020

HOUSE
Amended 2nd Reading
February 19, 2020

The bill creates the child support collection fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-108, **amend**
3 (1)(b)(II)(B); and **add** (3) as follows:

4 **26-2-108. Granting of assistance payments and social services**
5 **- child support collection fund - created - rules.** (1) (b) (II) (B) The
6 general assembly may annually appropriate ~~moneys~~ MONEY to the state
7 department in a separate line item to reimburse the counties for fifty
8 percent of child support collections and the federal government for its
9 share of child support collections that are passed through to temporary
10 assistance for needy families (TANF) recipients pursuant to this
11 ~~subparagraph (H)~~ SUBSECTION (1)(b)(II). The state department shall
12 allocate and distribute the ~~moneys~~ MONEY to the counties.
13 Notwithstanding the provisions of this ~~subparagraph (H)~~ SUBSECTION
14 (1)(b)(II)(B) to the contrary, in any state fiscal year in which the general
15 assembly does not appropriate an amount of ~~moneys equal to a full fiscal~~
16 ~~year reimbursement to counties~~ MONEY THAT IS AT LEAST NINETY
17 PERCENT OF THE TOTAL COUNTY SHARE OF COLLECTIONS PASSED
18 THROUGH TO THE CUSTODIAL PARTY AFTER THE FULL FEDERAL SHARE IS
19 PAID pursuant to the provisions of this ~~sub-subparagraph (B)~~ SUBSECTION
20 (1)(b)(II)(B) FOR THE PRIOR FISCAL YEAR, the state department shall make
21 all necessary changes to the relevant human services automated systems
22 so that child support payments are not passed through to temporary
23 assistance for needy families (TANF) recipients and a county is not
24 required to, but may, implement the child support pass-through to TANF
25 recipients. ~~Should~~ THE TOTAL COUNTY SHARE OF COLLECTIONS PASSED

1 THROUGH TO THE CUSTODIAL PARTY AFTER THE FULL FEDERAL SHARE IS
2 PAID FOR THE FISCAL YEAR IS DETERMINED AS OF THE FOLLOWING
3 DECEMBER 1, AS VERIFIED BY THE STATE DEPARTMENT. ■ ■ ■ If a county
4 ~~elect~~ ELECTS to implement a child support pass-through in a fiscal year in
5 which ~~the full amount of moneys~~ NO MONEY is ~~not~~ appropriated, ~~it~~ THE
6 COUNTY must utilize its own resources and the state automated systems
7 are not required to support ~~their~~ THE COUNTY'S implementation.

8 (3) THE CHILD SUPPORT COLLECTION FUND, REFERRED TO IN THIS
9 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
10 THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED AND
11 UNENCUMBERED MONEY APPROPRIATED TO THE STATE DEPARTMENT FOR
12 THE IMPLEMENTATION OF THIS SECTION AT THE END OF EACH FISCAL YEAR
13 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
16 GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM
17 THE FUND FOR THE IMPLEMENTATION OF THIS SECTION.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.